

TOWN OF ABINGDON, VIRGINIA  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 5, 2006 – 7:30 P.M.  
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, June 5, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys  
Dr. French H. Moore, Jr., Vice Mayor  
Mr. Robert M. Howard  
Mr. Thomas C. Phillips, Jr.  
Mr. Edward B. Morgan

Comprising a quorum of the Council

Administrative Staff: G. M. Newman, Town Manager  
Greg Kelly, Town Attorney  
Mark Godbey, Finance Director  
Monty Vernon, Public Works Director  
Chris Johnson, Parks & Recreation Director  
Jim Smith, Town Engineer  
Tony Sullivan, Police Chief  
Joey Burke, Fire Chief  
John McCormick, Assistant Fire Chief  
Linda F. Wilson, Town Clerk

Visitors: James G. Tilley, III, Joe Bunn, Deborah Icenhour, Sally  
Garrett, Jonathan Richardson of the Abingdon Virginian,  
Caitlin Sullivan of Washington County News, and others

Mayor Humphreys presented a plaque and read a resolution to honor Mr. Thomas C. Phillips, Jr. for his loyal and dedicated service as a member of the Abingdon Town Council. Mr. Phillips served as a member of Council from November 4, 1996 through June 30, 2006. Mr. Phillips expressed appreciation for the plaque and the resolution.

B. APPROVAL OF MINUTES – May 1, 2006 Work Session; May 1, 2006 Regular Meeting; &  
May 4, 2006 (Adjourned from May 1)

Mr. Howard made the motion that the minutes of the May 1, 2006 work session, the May 1, 2006 regular meeting, and the May 4, 2006 meeting adjourned from May 1, 2006 be approved as submitted. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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C. PETITIONS AND PUBLIC HEARINGS

1. **PUBLIC HEARING** – Proposed Budget for Fiscal Year 2006-2007.

a. Consideration – Request for \$10,000 – Fairview in Abingdon Foundation, Inc.  
(Allyn Morton, Chairman)

Mr. Morton was not present. Mayor Humphreys advised that Fairview is the property that was given to the Town by Jim Moore. It is to be developed into a historic site. The process of removing material from the exterior of the original log house is currently underway.

Dr. Moore made the motion to appropriate \$10,000 in the proposed budget for fiscal year 2006-2007 to the Fairview in Abingdon Foundation, Inc. Mr. Howard seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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b. Consideration – Request for \$15,000 – Virginia Highlands Small Business  
Development Center. (James G. Tilley, III, Director)

Mr. James G. Tilley, III, Director, represented the Virginia Highlands Small Business Development Center (SBDC). Mr. Tilley advised that the program provides consultation services to small businesses. However, a \$15,000 decrease in the amount of funding for the upcoming year will result in a substantial reduction of service. In order to continue, Mr. Tilley requested an appropriation of \$15,000 from the proposed budget for fiscal year 2006-2007.

Mr. Tilley noted that the SBDC is guaranteed office space through 2007 by the Virginia Highlands Small Business Incubator (VHSBI). He explained that the SBDC is funded by a grant in the amount of \$55,546 through the U. S. Small Business Administration. The grant is matched by Bristol, Virginia and Washington County in the amount of \$22,000 each, and Smyth County in the amount of \$5,000.

Mr. Morgan noted that the VHSBI recently hired a director whose role is to occupy the facility space with small businesses. The SBDC plays a different role. Therefore, Mr. Morgan suggested that the \$15,000 request not specifically be included in the budget at the present time, but to revisit the request in October. By that time the roles of each entity would be defined. Mr. Tilley agreed to that.

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c. Deborah Icenhour, Chair of Highlands Educational Literacy Program, Inc. expressed appreciation for last year's budget appropriation. Sally Garrett, Executive Director, expressed appreciation for the current year's appropriation in the amount of \$3,420. However, she requested that the original amount of \$8,210 be reconsidered.

Ms. Garrett explained that the number of students participating in reading and basic computer had greatly increased from last year; however the cost per student did not.

Mr. Morgan made the motion to increase the amount of funding for Highlands Educational Literacy Program, Inc. from the amount of \$3,420 to \$5,500. Mr. Howard seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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d. Mr. Morgan advised that the Abingdon Redevelopment & Housing Authority had requested \$150,000 to create a revolving loan fund which would be used to assist low and moderate income families with housing needs.

Mr. Morgan made the motion to include in the proposed budget for fiscal year 2006-2007, a one-time appropriation of \$150,000 from contingencies to the Abingdon Redevelopment & Housing Authority for the purpose of setting up a revolving loan fund, and further that the Town Manager be authorized to enter into contract negotiations with the Abingdon Redevelopment & Housing Authority to set up the fund and provide for appropriate management and safeguards of those funds. Dr. Moore seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mr. Phillips – Aye             Mr. Howard – Aye  
   Dr. Moore – Aye             Mayor Humphreys – Aye

The motion carried.

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D.        CONSIDERATION OF ANY BIDS

1. Consideration – Recommendation for Award of Contract, Porterfield Highway/Russell Road Improvements and Signalization. (Monty Vernon, Public Works Director)

Monty Vernon, Public Works Director, submitted the tabulation of the bid opening that was held on May 17, 2006 at 2:00 P.M. (copy attached to and made a part of these minutes)

Mr. Vernon advised that Mattern & Craig, consulting engineers, had recommended that the construction contract be awarded to the low bidder, Boring Contractors, Inc. in the amount of \$769,803.48.

Dr. Moore made the motion to approve the recommendation of Mattern & Craig, consulting engineers, to award the construction contract to the low bidder, Boring Contractors, Inc. in the amount of \$769,803.48 for the Porterfield Highway/Russell Road Improvements and Signalization. Mr. Howard seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mr. Phillips – Aye             Mr. Howard – Aye  
   Dr. Moore – Aye             Mayor Humphreys – Aye

The motion carried.

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2. Consideration – Tabulation of Bids

One, 1.0 Cubic yard Loader & 14 Foot Backhoe. (Sewer Department)

Mr. Vernon submitted the tabulation of the re-bid opening that was held on May 31, 2006. (copy attached to and made a part of these minutes)

Mr. Vernon noted that he recently realized that VDOT has a State contract on a unit almost identical to the one that was bid at a cost of \$49,715.44. Therefore, he recommended that the backhoe be purchased on the State contract through Rish Equipment Company in Chester, Virginia.

Mr. Howard made the motion to approve the recommendation of the Public Works Director to purchase one, 1.0 cubic yard loader and 14 foot backhoe to be used by the Sewer Department on the State contract through Rish Equipment Company in Chester, Virginia in the amount of \$49,715.44. Mr. Morgan seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mr. Phillips – Aye             Mr. Howard – Aye

Dr. Moore – Aye

Mayor Humphreys – Aye

The motion carried.

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E. REPORTS FROM THE TOWN MANAGER

1. Consideration – Request for Approval, VDOT Project Administrative Agreement – Amendment, Depot Square Pedestrian Safety Renovations. (Monty Vernon, Public Works Director)

Mr. Vernon advised that the VDOT project administrative agreement covers the second phase of the Depot Square project. A previous agreement was for funding in the amount of \$125,000. The current agreement is for an additional \$300,000 for a total of \$425,000. Mr. Vernon recommended approval of the agreement and that the Town Manager shall be authorized to execute it on behalf of the Town.

Dr. Moore made the motion to enter into an administrative agreement with VDOT for the second phase of the Depot Square project and that the Town Manager shall be authorized to execute it on behalf of the Town. Mr. Phillips seconded.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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2. Consideration – Request for Approval, Leonard Street Extension, Right-of-Way Land Acquisition and Replat. (Jim Smith, Town Engineer)

Jim Smith, Town Engineer, advised that parcels 3 and 2 of the plat will be subdivided by Leonard Street Extension, which will connect Leonard Street to Wiley Street, thus creating a subdivision of those lots. He added that all utilities and required improvements have been included in the design of the Taylor's Hill Neighborhood Road and Utility Improvement Plans. Mr. Smith recommended approval.

Mr. Morgan made the motion to approve the Leonard Street Extension, right-of-way land acquisition, and replat as presented. Dr. Moore seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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3. Consideration – Request for Approval, The Ridges at Glenrochie, Final Plat.  
(Garrett Jackson, Planning Director) not present

Joe Bunn advised that he had been working on the project for quite some time. He felt it would be of great value to the community, Glenrochie Country Club, and all parties involved.

Mr. Morgan made the motion that the final plat for The Ridges at Glenrochie be approved. Dr. Moore seconded the motion.

Mr. Morgan amended the motion to include that approval of the final plat is subject to the appropriate bonding etc. being posted as recommended. Dr. Moore seconded the amendment.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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4. Consideration – Request for Approval, Final Plat & Replat, The Campus – Lot #7.  
(Garrett Jackson, Planning Director)

Mr. Morgan noted that the request had been brought before the Planning Commission; however, a quorum was not present. He added that the subdivision being proposed is very modest and is consistent with what was previously approved.

Mr. Morgan made the motion, based on discussions with staff and the appropriate parties, that the subdivision final plat and replat, The Campus, Lot #7 be approved, subject to its further and final recommendation by the Planning Commission at their June meeting. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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H. FIRST READING OF ORDINANCES

1. Consideration – **FIRST READING** – AN ORDINANCE TO ENACT CHAPTER 66, SECTIONS 66-155 THROUGH 66-164 OF ARTICLE VI. OF THE CODE OF THE TOWN OF ABINGDON. (*Ordinance No. 3-2006*)

Dr. Moore made the motion to approve, on first reading, AN ORDINANCE TO ENACT CHAPTER 66, SECTIONS 66-155 THROUGH 66-164 OF ARTICLE VI. OF THE CODE OF THE TOWN OF ABINGDON to go into effect September 1, 2006. (*Ordinance No. 3-2006*) Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. Consideration – **FIRST READING** – AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE TOWN OF ABINGDON, VIRGINIA. TO FIX A RATE UPON REAL AND PERSONAL PROPERTY AND UTILITY SERVICES FOR THE FISCAL YEAR BEGINNING **JULY 1, 2006** AND ENDING **JUNE 30, 2007**. (*Ordinance No. 4-2006*)

Mr. Morgan made the motion to approve, on first reading enacted on first reading, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE TOWN OF ABINGDON, VIRGINIA TO FIX A RATE UPON REAL AND PERSONAL PROPERTY AND UTILITY SERVICES FOR THE FISCAL YEAR BEGINNING **JULY 1, 2006** AND ENDING **JUNE 30, 2007** to include the additions that were approved above during the public hearing (C-1). Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. Consideration – **SECOND READING – PROPOSED REZONING** – Lynda Campbell, 301 Front Street, Abingdon, Virginia and others; application to rezone six (6) properties in the DEPOT SQUARE VICINITY, from Residential (R-3) and Central Business (B-3), to Old and Historic District (OH) District. **Tax Map No. 19(1)44A, 19(1)43, 19(1) 42, 19(2)16, 19(2)17 and Town property.**

Mr. Morgan advised that he had received input from some of the neighbors that would be affected by the rezoning. He felt it important that the proposed uses that would be permitted within the new Historic District be determined and presented to the public before final action is taken.

Mr. Morgan made the motion that any action be postponed until the Historic District Study Committee has had an opportunity to review the potential uses of the new district. Mr. Phillips seconded the motion.

The roll call vote was:      Mr. Morgan – Aye              Mr. Phillips – Aye              Mr. Howard – Aye  
   Dr. Moore – Aye              Mayor Humphreys – Aye

The motion carried.

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J.        MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Consideration – Request from Mark Reeter, Washington County Administrator, to schedule joint meeting with Board of Supervisors in July.

Mr. Morgan made the motion to recommend to the Board of Supervisors that 2 possible dates for a joint meeting with Council be considered by that body. Those dates included July 12 and July 17 at 7:00 P.M. Dr. Moore seconded the motion.

The roll call vote was:      Mr. Morgan – Aye              Mr. Phillips – Aye              Mr. Howard – Aye  
   Dr. Moore – Aye              Mayor Humphreys – Aye

The motion carried.

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2. Consideration – Combined Organizational/Regular Meeting, **July 3, 2006 – 7:30 A.M.**

Mayor Humphreys advised that July 1 is the beginning of the new fiscal year and the meeting must be held before the work day begins.

Mr. Morgan made the motion that the organizational meeting be held on July 3, 2006 at 7:30 A.M. in the Council Chambers. Mr. Howard seconded the motion.

The roll call vote was:      Mr. Morgan – Aye              Mr. Phillips – Aye              Mr. Howard – Aye  
   Dr. Moore – Aye              Mayor Humphreys – Aye

The motion carried.

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K.        MATTERS NOT UPON THE Agenda

1. Mayor Humphreys noted that Highlands Union Bank (HUB) would like to exchange a parcel of their property located on Main Street (across from the post office, Town Park) for a parcel of property that is owned by the Town and adjoins their property, located on Main Street.

Dr. Moore made the motion to authorize the Town Manager to execute the exchange agreement with Highlands Union Bank, which is subject to a public hearing to be scheduled in August. Mr. Morgan seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mr. Phillips – Aye  
                                     Mr. Howard – Abstained, due to his employment with HUB  
                                     Dr. Moore – Aye             Mayor Humphreys – Aye

The motion carried.

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2. Mr. Morgan advised that he serves as a member of the Sinking Spring Cemetery Committee. They are currently developing policies and procedures, and methods to protect the cemetery. Decorative fencing has been installed on the front portion of the property; however, it appears that vandalism has occurred from entries through the ball fields and other areas. Therefore, the committee recommended that consideration be given to installing chain link fencing on the back portion of the property, to include both the east and west sides of Russell Road.

Mr. Morgan made the motion to authorize the Town Manager to solicit bids for chain link fencing to be installed on both the east and west sides of Russell Road of the Sinking Spring Cemetery property. Mr. Phillips and Dr. Moore seconded the motion.

The roll call vote was:     Mr. Morgan – Aye             Mr. Phillips – Aye             Mr. Howard – Aye  
                                     Dr. Moore – Aye             Mayor Humphreys – Aye

The motion carried.

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3. Dr. Moore noted that the Virginia Municipal League will be hosting a Town Section meeting on Friday, June 9 at 11:00 A.M. at the Martha Washington Inn. Council members plan to attend.

4. Mayor Humphreys announced that she and the Tourism Director had recently visited Montauk, N.Y. to represent Abingdon as Dream Town, U.S.A. A film was produced and will be broadcast in five states of the New York area. Mayor Humphreys added that she will represent the Town by traveling to Abingdon, England for their 450<sup>th</sup> charter celebration to be held on the upcoming weekend.

5. Dr. Moore noted that October 2006 marks the 50<sup>th</sup> anniversary of the O. Winston Link photograph, “Maud Bowls to the Virginia Creeper”. Plans are underway to place a permanent marker at the exact site where the photograph was taken. A fundraiser for that purpose will be held on June 15 from 7:00 P.M. to 9:00 P.M. at the Martha Washington Inn. A ceremony will be held on October 7 at Green Cove.

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**J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

3. Appointments – Board of Zoning Appeals  
    Ed Morgan – 3-year unexpired term to expire 4/30/07

Mr. Phillips made the motion that the Town Council go into closed session pursuant to the Code of Virginia, Sec. 2.2-3711(A)(1) for consideration of resignation of an employee, and appointment to the

Board of Zoning Appeals. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Mr. Phillips made the motion to reconvene in regular session. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

The following certification was adopted:

Whereas, the Town Council of Abingdon, Virginia has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.2-3712(D) of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Town Council of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

The roll call vote was: Mr. Morgan – I so certify Mr. Phillips – I so certify  
Mr. Howard – I so certify Dr. Moore – I so certify Mayor Humphreys – I so certify

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The Town Manager advised that following a request for proposals for the Farmer's Market project, none were submitted. Therefore, he had discussed with Jimmy Stewart, the possibility of Mr. Stewart contracting the project.

Dr. Moore made the motion to authorize the Town Manager to negotiate a contract with Jimmy Stewart to initiate building the Farmer's Market, within the budget amount, in an effort to get it done as soon as possible. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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Mr. Morgan made the motion to appoint Debra Icenhour to the Board of Zoning Appeals to fill the 3-year unexpired term of Mr. Ed Morgan to expire April 30, 2007. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

The Town Manager announced that he plans to resign as of October 31, 2006. He added that the position of Town Manager would be advertised per the direction of Council.



Mr. Morgan noted that during the six years he had served on Council, Mr. Phillips had served as a mentor to him. He expressed appreciation to Mr. Phillips for the wisdom and expertise he had contributed. Council concurred.

With no further business the meeting was adjourned. The time was 9:00 P.M.

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Lois H. Humphreys, Mayor

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